On October 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5774. Adulteration and misbranding of Pantabee. U. S. v. 12 Bottles of Pantabee. Decree of condemnation. Product ordered delivered for use by a public institution. (F. D. C. No. 9410. Sample No. 24197–F.)

Biological assay showed that the article contained not more than 250 International Units of vitamin B_1 per capsule.

On February 20, 1943, the United States attorney for the District of Columbia filed a libel against 12 bottles, each containing 50 capsules, of Pantabee at Washington, D. C., alleging that the article had been shipped on or about January 13, 1943, from Richmond, Va., by Charles C. Haskell & Co., Inc.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, vitamin B_1, had been in part omitted therefrom.

It was alleged to be misbranded in that the statement, "Each capsule contains: Vitamin B_1 . . . 333 International Units," which appeared on the label of the article, was false, since each capsule did not contain 333 International Units of vitamin B_1; and in that it purported to be a food for special dietary uses by reason of its vitamin content, and its label failed to bear such information concerning its vitamin properties as has been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label failed to state the proportion of the minimum daily requirement of vitamin B_1 and riboflavin furnished by the quantity of the article customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption during such period; and its label failed to state, as the regulations require, that the need for vitamin B_6 and "filtrate factor" in human nutrition has not been established.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in the notices of judgment on drugs and devices.

On June 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

5775. Adulteration and misbranding of Vitamin B Elixir. U. S. v. 33 Bottles of Hart's Vitamin B Elixir. Default decree of condemnation and destruction. (F. D. C. No. 8173. Sample No. 70908–E.)

This product contained 13.8 milligrams of nicotinic acid per fluid ounce.

On August 24, 1942, the United States attorney for the Northern District of Georgia filed a libel against 33 bottles, each containing ½ pint, of Hart's Vitamin B Elixir, at Atlanta, Ga., alleging that the article had been shipped on or about June 8, 1942, from New Orleans, La., by E. J. Hart and Co., Ltd.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constitutent, nicotinic acid, had been in part omitted therefrom.

It was alleged to be misbranded in that the label statement, "Each Fluidounce Contains: * * * Nicotinic Acid 20. mg.," was false since the article did not contain 20 milligrams of nicotinic acid per fluid ounce.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

On May 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5776. Adulteration and misbranding of DPS Formula 50. U. S. v. 120 Bottles of DPS Formula 50. Default decree of condemnation and destruction. (F. D. C. No. 8407. Sample No. 13007–F.)

Examination showed that this product contained 230 micrograms (gammas) of riboflavin per tablet.

On September 26, 1942, the United States attorney for the District of Oregon filed a libel against 120 bottles, each containing 90 tablets, of DPS Formula 50 at Portland, Oreg., alleging that the article had been shipped on or about June 19 and July 9, 1942, from Los Angeles, Calif., by the Dartell Laboratories; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, riboflavin (vitamin B_2), had been in whole or in part omitted therefrom.

It was alleged to be misbranded (1) in that the statement appearing on its label, "Each Tablet Contains Not Less Than: * * * Vitamin B_2 348 Gammas," was false and misleading since it contained fewer than 348 gammas of vitamin B_2, 230 micrograms (gammas) per tablet; (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and (3) in that it purported to be a food for special dietary use and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin B_1 and riboflavin (vitamin B_2) supplied by such food when consumed in a specified quantity during a period of 1 day, a statement of the proportion of the minimum daily requirement for calcium, iron, phosphorus, and iodine supplied by such food when consumed in a specified quantity during a period of 1 day, and a statement that the need for calcium pantothenate and vitamin B_6 in human nutrition has not been established.

The article was also alleged to be adulterated and misbranded under the provisions of law applicable to drugs as reported in the notices of judgment on drugs and devices, No. 968.

On November 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5777. Adulteration and misbranding of iron compound and yeast tablets. U. S. v. 4 Drums of Iron Compound and Yeast Tablets. Default decree of condemnation and destruction. (F. D. C. No. 8307. Sample No. 4811–F.)

On September 2, 1942, the United States attorney for the Northern District of Ohio filed a libel against 4 drums, each containing approximately 47,300 iron compound and yeast tablets, at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 14, 1942, by the Keith Victor Pharmacal Co., St. Louis, Mo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, vitamin B_1 and riboflavin, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements on its label, "Each tablet contains B_1 (Thiamin Chloride) 50 International Units B_2 (Riboflavin) 25 Gamma," were false as applied to an article that contained not more than 25 International Units of vitamin B_1 per tablet, and not more than 15 gamma of riboflavin.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 967.

On October 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5778. Adulteration and misbranding of The Stuart Formula Tablets. U. S. v. 420 Bottles of The Stuart Formula Tablets. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9878. Sample No. 30573–F.)

Examination showed that this product contained less than 400 U. S. P. units of vitamin D per 3 tablets.

On May 12, 1943, the United States attorney for the Western District of Washington filed a libel against 420 bottles of The Stuart Formula Tablets at Seattle, Wash., alleging that the article had been shipped in interstate commerce, a portion on or about January 28 and February 18, 1943, from Pasadena, Calif., by The Stuart Co., and the remainder on or about April 16, 1943, from Los Angeles, Calif., by the Metropolitan Warehouse Co.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, vitamin D, had been in whole or in part abstracted or omitted therefrom.

It was alleged to be misbranded in that the statements appearing on its label, "Each 3 Tablets Standardized to Contain at Least: * * * Vitamin D . . . 800 U. S. P. or INT. Units (activated ergosterol) (2 times minimum need)," were false; and in that the statement, "Human need known—minimum requirements not yet established," appearing on the label, and as applied to vitamin B_6 and calcium pantothenate, was misleading since it engendered in the minds of the readers that it was the consensus of experts in the field of nutrition that these vitamins were necessary in human nutrition, whereas the need for these vitamins in human nutrition is not generally recognized by these experts as being established. It was alleged to be misbranded further in that it purported to be and was represented as a food for special dietary uses by reason in part of its calcium